

<b>Office Action Summary</b>	<b>Application No.</b> 10/596,901	<b>Applicant(s)</b> HOLLEMANS ET AL.	
	<b>Examiner</b> ECE HUR	<b>Art Unit</b> 2172	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 1, 6-10, 14-16, 18, 20-24.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 5) ☒ Claim(s) 1, 6-10, 14-16, 18 and 20-24 is/are pending in the application.
- 5a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 6) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 7) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 8) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 9) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☒ The drawing(s) filed on 19 February 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                                  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.   |

### **DETAILED ACTION**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 21, 2011 has been entered. Claims 1, 6-10, 14-16, 18, 20-24 are pending.

#### ***Status of Claims***

Claims 1, 6-10, 14-16, 18, 20-24 are pending in the case. Claims 1, 14, 18 are independent Claims.

Claims 1, 14, 18 are rejected under 35 U.S.C. 112, second paragraph.

Claims 1, 6-10, 14-16, 18, 20-24 are rejected under 35 U.S.C. 103(a).

#### ***Response to Arguments***

Applicant's arguments filed September 21, 2010 have been fully considered. See rejection for details. Applicant argued:

- 1) Regarding Claims amendment "*at least three simultaneously displayed static panels*", *Shalit discloses the claimed aspect* in FIG. 7. Freeze and

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McCollum, Sommer do not disclose the claimed aspect of *at least three simultaneously displayed static panels*, however Sommers discloses the aspect of at least two simultaneously displayed static panels in FIGs. 9, 10, wherein two panels are displayed simultaneously while replacement takes place.(Sommers, Abstract, Paragraph 0044). Sommers discloses that plurality of menus can be replaced. (Sommers, Paragraph 0044).

It would be obvious to one of ordinary skill in the art at the time of the invention to add this feature of three static panels to Sommers plurality of menu replacement because this would allow to view three menus simultaneously depending on device's screen size, if user's screen size is larger it would allow the user to view three menus at same time efficiently.

2) Regarding Claims amendment of last paragraph, Sommers discloses the claimed aspect of replacing first menu, with the second menu and second menu with the third menu. (Sommers, Abstract).

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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**Claims 1, 14, 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Regarding Claims, 1,14, 18, Last paragraph of the Claims state "*of the currently highlighted item of the first menu*", it should be "upon selection of said currently highlighted item", because replacement takes only after selection.

Correction required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and

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invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**Claims 1, 6-10, 14-16, 18, 20, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable by Shalit et al., US 5,714,971 in view of Freeze, Internet Explorer 5, 1999 in further view of McCollum, US 20030112467 in further view of Sommer, US 20040100504 .**

Regarding Claim 1, Shalit discloses the claimed aspect of *a system having a graphical user interface for navigating through content, the system comprising a display having: a navigation history panel wherein navigation history data is displayed, and at least a first panel displaying a first menu of a content structure, the first menu comprising one or more selectable items, multiple static panel, wherein the navigation history data displayed in the history panel is updated with reference to the selection of items in the first static panel* in FIG. 2D, FIG. 8, wherein the ability of navigation through content structure is illustrated. (Shalit, FIG. 2D(also navigation history, ARM Support selected in the first panel), Column 1, lines 49-51, Abstract, Column 9, lines 19-20, FIG. 8, Navigation history).

Shalit does not specifically teach the claimed aspect of the *navigation history data provides a reference for at least one of a number of selections in accordance with a plurality of criteria*, however Freeze discloses the claimed

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aspect in FIG. 3.5, wherein a navigation history panel is illustrated with plurality of criteria to display the selected items. (Freeze, Page 30).

It would be obvious to one of ordinary skill in the art at the time of the invention to display navigation history by plurality of criteria Shalit's navigation history panel, because this would allow the user to filter certain items that the user needs.

Shalit does not specifically disclose the claimed aspect of *there exists at least one route for navigating through said content to arrive at the said at least first panel*, however Freeze discloses the claimed aspect in FIG. 3.5, wherein there are option such as Last Week, Monday, Tuesday, Today and user navigates from Today to content listing and the user selects a specific content from the listing. It would be obvious to one of ordinary skill in the art at the time of the invention to add this feature to Shalit's first panel because this would allow the user to view the information within same panel depending on user's preferences.

Shalit discloses the claimed aspect of *first, second, third static panel, at least a third panel for displaying a first sub-sub-menu of a currently highlighted item of the first sub-menu of the second static pane*, at least a second static panel/section/area for displaying a first sub-menu of a currently highlighted item of the first menu in FIGs. 2 D, 7, 8 wherein static panels are illustrated. Shalit and Freeze do not specifically disclose the claimed aspect of *first menu in the first panel is replaced with the first submenu of the second static panel upon selection of said currently highlighted item of the first menu displayed in the first*

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*panel*, however McCollum discloses the claimed aspect in FIGs. 4C, 4D, 4E, wherein once said selection element identifies a sub-element from said first plurality of sub-elements, said first plurality of sub-elements shifts to an area previously occupied by said first plurality of selectable menu elements and a second plurality of sub-elements associated with an identified one of said first plurality of sub-elements shifts to an area previously occupied by said first plurality of sub-elements. (McCollum, FIGs. 4C, 4D, 4E, Paragraphs 0052, 0053, Claim 21). It would be obvious to one of ordinary skill in the art at the time of the invention to add this feature to Shalits' two panel and Freeze's navigation because this would allow to view menus more efficiently on a small screen device.

Shalit, Freeze and McCollum do not disclose the claimed aspect of *the first sub-menu in the second static panel is replaced with the first sub-sub-menu of the third static panel upon selection of said currently highlighted item of the first menu displayed in the first panel(sub menus are result of selection an item in the first panel), the first sub-sub-menu in third panel is replaced with a sub-sub-sub-menu of currently highlighted item of the first sub-sub-menu of the third static panel(indication of fourth panel)*, however Sommer discloses the claimed aspect in FIGs. 7, 11, wherein third menu 195 replaces second menu 145, and third menu 195 is the last menu in a hierarchy scheme of item selection system 100, second menu space 135 may not include a menu. Specifically, in this embodiment, when cursor 190 selects one of the items in third menu 195, the selection process is complete, and the user will be able to view the selected

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movie, play the selected game, or the like. Nevertheless, when third menu 195 replaces second menu 145, and third menu 195 is not the last menu in the hierarchy scheme of item selection system 100, a fourth menu (not shown) may replace third menu 195 within second menu space 135. It will readily be understood by those of ordinary skill in the art that this replacement process may continue until the last menu available to the user is positioned in first menu space 130. (Sommer, Paragraph 0043). It would be obvious to one of ordinary skill in the art at the time of the invention to add this concept of third panel displaying first-sub-sub menu to Shalit's two panel, Freeze's navigation and McCollum's menu replacement

Shalit discloses the claimed aspect of *at least three simultaneously displayed static panels* in FIG. 7. Freeze and McCollum, Sommer do not disclose the claimed aspect of *at least three simultaneously displayed static panels*, however Sommers discloses the aspect of at least two simultaneously displayed static panels in FIGs. 9, 10, wherein two panels are displayed simultaneously while replacement takes place. (Sommers, Abstract, Paragraph 0044). Sommers discloses that plurality of menus can be replaced. (Sommers, Paragraph 0044).

It would be obvious to one of ordinary skill in the art at the time of the invention to add this feature of three static panels to Sommers plurality of menu replacement because this would allow to view three menus simultaneously depending on device's screen size, and this would also allow to view *simultaneous* replacement of three panels/menus, if user's screen size is larger it would allow the user to view three menus at same time efficiently.



Shalit, Freeze and McCollum do not disclose the claimed aspect of *the at least first menu of the content structure displayed in the first static panel is replaced with the first sub-menu of the currently highlighted item of the first menu shown in the second static panel, the replacement of the first static panel being performed with the replacement of the first sub-menu shown in the second static panel with the first sub-sub-menu of the currently highlighted item of the second menu shown in the third static panel.* (In this section there are two static panel and the first menu is replaced with the second menu, and the second menu is replaced with third menu), however Sommer discloses the claimed aspect in FIGs. 7, 11, wherein second menu replaces the first menu in the first menu space. In an embodiment, when the cursor selects the particular item, a third menu replaces the second menu in the second menu space. (Sommer, Abstract). Furthermore menu 195 replaces second menu 145, and third menu 195 is the last menu in a hierarchy scheme of item selection system 100, second menu space 135 may not include a menu. Specifically, in this embodiment, when cursor 190 selects one of the items in third menu 195, the selection process is complete, and the user will be able to view the selected movie, play the selected game, or the like. Nevertheless, when third menu 195 replaces second menu 145, and third menu 195 is not the last menu in the hierarchy scheme of item selection system 100, a fourth menu (not shown) may replace third menu 195 within second menu space 135. It will readily be understood by those of ordinary skill in the art that this replacement process may continue until the last menu available to the user is positioned in first menu space 130. (Sommer, Paragraph

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0043). It would be obvious to one of ordinary skill in the art at the time of the invention to add this concept of third panel displaying first-sub-sub menu to Shalit's two panel, Freeze's navigation and McCollum's menu replacement

Regarding Claim 6, Shalit, Freeze, McCollum, Sommer teach all of any preceding Claims. See the rejection of preceding Claims for details. Shalit discloses the claimed aspect of the navigation history data comprises a reference to previously selected menu(s) in FIG. 9E, wherein ARM Support and Level-1 is illustrated.

Regarding Claim 7, Shalit, Freeze, McCollum, Sommer teach all of any preceding Claims. See the rejection of preceding Claims for details. Shalit discloses the claimed aspect of navigation history data is displayed as pictograms in FIG. 9E, wherein icons are illustrated next to the items in the first panel.

Regarding Claim 8, Shalit, Freeze, McCollum, Sommer teach all of any preceding Claims. See the rejection of preceding Claims for details. Shalit discloses the claimed aspect of one or more layered panels show the navigation history in FIG. 9E, wherein navigation history is illustrated.

Regarding Claims 9 and 10, Shalit, Freeze, McCollum, Sommer teach all of any preceding Claims. See the rejection of preceding Claims for details. Shalit discloses the claimed aspect of the content structure includes a main menu starting point, the navigation history data includes navigation history data starting from the main menu starting point in FIG. 9E, wherein Leibniz is the main menu.

Regarding Claim 14, Claim 14 and Claim 1 is similar in scope and rejected under similar rationale. See rejection details for Claim 1.

Regarding Claim 15, Shalit, Freeze, McCollum, Sommer teach all of Claim 14. See the rejection of Claim 14 for details. Shalit discloses the claimed aspect of the elements representing navigation history data are active elements in FIG. 2D, FIG. 8, wherein navigation history is updated is illustrated and first panel has an item from the second panel, ARM Support.

Regarding Claim 16, Shalit, Freeze, McCollum, Sommer teach all of Claim 15. See the rejection of Claim 15 for details. Shalit discloses the claimed aspect of the selection of an active element causes the navigation to revert to the selected data in the navigation history data in FIG. 9E, wherein Level-1 is selected.

Regarding Claim 18, Claim 18 and Claims 1 and 14 are similar in scope and rejected under similar rationale. See rejection details for Claims 1 and 14.

Regarding Claim 20, Claim 20 and Claim 1 are similar in scope and rejected under similar rationale. See rejection details for Claim 1.

Regarding Claim 21, Shalit, Freeze, McCollum, Sommer teach all of Claim 1. See the rejection of Claim 1 for details. Shalit discloses the claimed aspect of selection of said currently highlighted item of the first sub- sub-menu displayed in the third panel in FIG. 8. Shalit and Freeze do not specifically disclose the claimed aspect of the first menu in the first panel is replaced with the first sub-menu of the second static panel, however McCollum discloses the claimed aspect in FIGs. 4C, 4D, 4E, wherein once said selection element identifies a sub-element from said first plurality of sub-elements, said first plurality of sub-elements shifts to an area previously occupied by said first plurality of selectable menu elements and a second plurality of sub-elements associated with an identified one of said first plurality of sub-elements shifts to an area previously occupied by said first plurality of sub-elements. (McCollum, FIGs. 4C, 4D, 4E, Paragraphs 0052, 0053, Claim 21). It would be obvious to one of ordinary skill in the art at the time of the invention to add this feature to Shalits' two panel and Freeze's navigation because this would allow to view menus more efficiently on a small screen device.

Shalit, Freeze, McCollum do not specifically disclose the claimed aspect of the first sub-menu in the second static panel is replaced with the first sub-sub-menu of the third static panel upon selection of said currently highlighted item of the first sub-sub-menu displayed in the third panel, wherein the first sub-sub-menu in the third panel is replaced with a sub-sub- sub-menu of a currently highlighted item of the first sub-sub-menu displayed in the third panel, however Sommer discloses the claimed aspect in FIGs. 7, 11, wherein third menu 195 replaces second menu 145, and third menu 195 is the last menu in a hierarchy scheme of item selection system 100, second menu space 135 may not include a menu. Specifically, in this embodiment, when cursor 190 selects one of the items in third menu 195, the selection process is complete, and the user will be able to view the selected movie, play the selected game, or the like. Nevertheless, when third menu 195 replaces second menu 145, and third menu 195 is not the last menu in the hierarchy scheme of item selection system 100, a fourth menu (not shown) may replace third menu 195 within second menu space 135. Additionally, if the user selects an item in a panel it will have further sub menus and since current sub-menu will be replaced with sub-sub menu and that sub menu has to go to the previous panel. It will readily be understood by those of ordinary skill in the art that this replacement process may continue until the last menu available to the user is positioned in first menu space 130. (Sommer, Paragraph 0043). It would be obvious to one of ordinary skill in the art at the time of the invention to add this concept of panel replacement to Shalit's third panel selection, Freeze's navigation and McCollum's menu replacement.

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**Claims 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable by Shalit et al., US 5,714,971 in view of Freeze, Internet Explorer 5, 1999 in further view of McCollum, US 20030112467 in further view of Sommer, US 20040100504 in further view of Clarke, US 7,062,453.**

Regarding Claim 22, Shalit, Freeze, McCollum, Sommer teach all of Claim 1. See the rejection of Claim 1 for details. Sommer discloses the concept of plurality panels/menus, wherein third menu 195 is not the last menu in the hierarchy scheme of item selection system 100, a fourth menu (not shown) may replace third menu 195 within second menu space 135. It will readily be understood by those of ordinary skill in the art that this replacement process may continue until the last menu available to the user is positioned in first menu space 130. (Sommer, Paragraph 0043).

Shalit, Freeze, McCollum does not specifically disclose the claimed aspect of number of static panels may be selected by a user in accordance with a user preference, however Clarke discloses the claimed aspect in FIGs. 2, 5A, wherein the number of submenus is not limited to five. A greater or lesser number of submenus may be used for each product category, depending on how many refined or specific subcategories or desired (preference). (Clarke, Column 4, lines 20-25). It would be obvious to one of ordinary skill in the art at the time of the invention to add this feature of preferred number of panels/menus to Shalit's plurality of panel, Freeze's navigation and McCollum's menu replacement,

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Sommer's menu replacement because this would allow the user to use the interface efficiently specially in small screen devices.

Regarding Claim 23, Shalit, Freeze, McCollum, Sommer, Clarke teach all of Claim 22. See the rejection of Claim 1 for details. Sommer discloses the concept of plurality panels/menus, wherein third menu 195 is not the last menu in the hierarchy scheme of item selection system 100, a fourth menu (within the range of 0-8) (not shown) may replace third menu 195 within second menu space 135. It will readily be understood by those of ordinary skill in the art that this replacement process may continue until the last menu available to the user is positioned in first menu space 130. (Sommer, Paragraph 0043).

Shalit, Freeze, McCollum does not specifically disclose the claimed aspect of the number of static panels are in the range of 0-8, however Clarke discloses the claimed aspect in FIGs. 2, 5A, wherein the number of submenus is not limited to five(within range 0-8). A greater or lesser number of submenus may be used for each product category, depending on how many refined or specific subcategories or desired (preference). (Clarke, Column 4, lines 20-25). It would be obvious to one of ordinary skill in the art at the time of the invention to add this feature of preferred number of panels/menus to Shalit's plurality of panel, Freeze's navigation and McCollum's menu replacement, Sommer's menu replacement because this would allow the user to use the interface efficiently specially in small screen devices.

Regarding Claim 24, Shalit, Freeze, McCollum, Sommer, Clarke teach all of Claim 22. See the rejection of Claim 1 for details. Sommer discloses the concept of plurality panels/menus, wherein third menu 195 is not the last menu in the hierarchy scheme of item selection system 100, a fourth menu (within the range of 0-8) (not shown) may replace third menu 195 within second menu space 135. It will readily be understood by those of ordinary skill in the art that this replacement process may continue until the last menu available to the user is positioned in first menu space 130. (Sommer, Paragraph 0043).

Shalit, Freeze, McCollum does not specifically disclose the claimed aspect of the number of static panels depend on the content to be browsed by a user and the amount of detail the user wishes to be shown, however Clarke discloses the claimed aspect in FIGs. 2, 5A, wherein the number of submenus is not limited to five. A greater or lesser number of submenus may be used for each product category, depending on how many refined or specific subcategories (subcategories have content, the more menu/panel the more content and detail) or desired (preference). (Clarke, Column 4, lines 20-25). It would be obvious to one of ordinary skill in the art at the time of the invention to add this feature of preferred number of panels/menus' content to Shalit's plurality of panel, Freeze's navigation and McCollum's menu replacement, Sommer's menu replacement because this would allow the user to use the interface efficiently specially in small screen devices.



### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See 892 for more and details.

- 1) Holtzblatt et al., US 20010038395, "Method and System for Accessing Information, history panel". Paragraph 0034, navigation panel; the history panel is updated.
- 2) Bergsten et al., US 20030001907, "Method and Apparatus For Scrollable Cross-Point Navigation In A User Interface".
- 3) Minard, US 6,247,020, Navigation pane include selecting of a current node, navigation pane is updated. Column 9, lines 4-12.
- 4) Wassom, US 7,617,458, "Managing Navigation and History Information", Column 2, lines 30-43.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ECE HUR whose telephone number is (571) 270-1972. The examiner can normally be reached on Mon-Thurs 7:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BORIS PESIN can be reached on 571-272-4070. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.

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Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

December 3, 2011

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Supervisory Patent Examiner, Art Unit 2172